

ORDINANCE NO. 959-04

An Ordinance of the City Council of the City of Algona, Washington, repealing chapter 5.04 of the Algona Municipal Code and enacting a new Chapter 5.04 entitled Business Licenses.

The City Council of the City of Algona, Washington, do ordain as follows:

Section 1. Chapter 5.04 of the Algona Municipal Code is hereby repealed.

Section 2. There is hereby added a new Chapter 5.04 of the Algona Municipal Code entitled "Business Licenses" containing the provisions set forth below.

Section 3. Purpose

The provisions of this chapter shall be deemed an exercise of the power of the City of Algona to license for the privilege of engaging in business in the City of Algona.

Section 4. Definitions

Except as otherwise expressly declared or clearly apparent from the context to which used, the following definitions shall be applied in construing the provisions of this chapter:

A. "**Business**" includes all services and activities engaged in with the object of gain, benefit or advantage to the person, or to another person or class, directly or indirectly. For the purposes of this chapter, non-profit organizations shall also be included under the term business.

B. "**City**" means the City of Algona, a municipal corporation.

C. "**Clerk**" means the City Clerk/Treasurer of Algona, a municipal corporation.

D. "**Licensee**" means any business granted a business license by the City.

E. "**Premises**" means any location within the City in, at, or upon which a person engages in business.

Section 5. License required

Every person who engages in business activities within the City shall apply for and obtain from the City Clerk a license for the privilege of engaging in business within the City for each calendar year or portion thereof. If more than one business is conducted on a single premise, a separate license shall be required for each separate business conducted, operated, engaged in or practiced.

Section 6. License Fee

The fee for the business license shall be in the amount set forth in Chapter 2.50 of this code. No person shall engage in any business for which a business license is required under this chapter without being so licensed.

Section 7. Application and issuance

A. All business licenses shall be issued by the City Clerk. The City Clerk shall keep a register thereof. Each license shall be numbered, shall show the name, place and character of business and such other information as the City Clerk shall deem necessary.

B. Business licenses must be obtained and the fee paid before the last day of February, or thirty days after a business commences operation within the City, whichever occurs first. The license fee shall be considered delinquent if not paid when due.

C. The business license required by this chapter shall expire on December 31st of the year for which it is issued. A new license shall be required for each year.

Section 8. License – Nontransferable

Once granted, the license shall be personal to the licensee and it shall not be assignable or transferable to any other person(s) or business entities, and shall at all times be posted in the place of business for which it is issued or, in the case of a business enterprise with a temporary or portable sales location, be carried on the person of the holder thereof at all times during business hours or while such business is being carried on, and shall be displayed at the request of any interested person. Where a licensee's place of business is changed, the licensee shall return the license to the City Clerk and a new license shall be issued for the new place of business without charge. No licensee shall allow another person to operate a business under, or display, the license, nor shall another person operate under or display the license.

Section 9. Renewal

The City Clerk is authorized, but not required, to mail to business enterprises forms for application for licenses, but failure of the business enterprise to receive any such form shall not excuse the business enterprise from making application for and securing the license required and payment of the license fee when and as due hereunder.

Section 10. License Approval

A. The City Clerk shall submit all applications to the Public Works Director for his endorsement as to compliance by the applicant with all city regulations.

B. Upon approval of the application the City Clerk shall be issued to the applicant.

C. No license shall be issued to any applicant if any of the conditions listed in Section 11 (A) through (G) exist or apply to the applicant or premises proposed to be licensed.

Section 11. License – Denial, suspension or revocation.

The City Clerk may deny, suspend or revoke any license issued under the provisions of this chapter. Any license issued under this chapter may be denied, revoked or suspended based on one or more of the following grounds:

- A. The license was procured by fraud or false representation of fact.
- B. The licensee has failed to comply with any of the provisions of this chapter or other applicable state, federal or local law.
- C. The licensee is in default in any payment of any license fee or tax due to the City.
- D. The licensee's continued conduct of the business for which the license was issued has or will result in a danger to the public health, safety or welfare or the violation of any federal, state law or any ordinance or regulation of the City.
- E. The licensee or its employees or agents have been convicted of a crime which bears a direct relationship to the conduct of the business under the license issued pursuant to this chapter.
- F. The place of business does not conform to applicable City regulations.
- G. The license is being used for a purpose different from that for which it was issued.

Section 12. Denial, suspension, revocation procedure

- A. The City Clerk shall notify such licensee in writing by certified mail or personal service of the denial, revocation or suspension of his or her license application or license setting forth in specific terms the basis therefore.
- B. Within ten (10) calendar days after receipt of the City's notification of application denial, revocation or suspension, the applicant or licensee may request an appeal and hearing before the hearing examiner. The request for a hearing must be in writing, filed with the City Clerk.
- C. The hearing before the hearing examiner shall be held in accordance to the applicable procedures set forth in chapter 1.26 AMC. The Hearings Examiner shall, as soon as practicable, fix a time and place for the hearing for such appeal. Notice of the hearing shall be given to the appellant by certified mail at least five (5) days prior to the

date of the hearing. The licensee may appear at the hearing and be heard in opposition to such denial, suspension or revocation. The decision of the Hearing Examiner shall be announced at the conclusion of the hearing and shall be final, subject to an appeal filed with the King County Superior Court within fourteen (14) days following the date of the decision of the Hearing Examiner.

Section 13. License – Collection

The license fee imposed by this chapter, and all penalties thereon, shall constitute a debt to the City, and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies. Any judgment entered in favor of the City shall include an award to the City of all court and collection costs including attorneys' fees. Amounts delinquent more than ninety days may be assigned to a third party for collection, in which case the amount of any collection charges shall be in addition to all other amounts owed. Amounts due shall not be considered paid until the City has received good funds for the full amount due or has discharged the amount due and not paid.

Section 14. Civil penalty

If payment of any license due is not received by the City by the due date specified by this chapter, there shall be added a penalty as follows:

- A. One to thirty days' delinquency: ten percent with a minimum of five dollars;
- B. Thirty-one to sixty days' delinquency: fifteen percent with a minimum penalty of ten dollars;
- C. After sixty-one days' delinquency: twenty percent with a minimum penalty of fifteen dollars;
- D. Failure to make payment by the last day of month next succeeding the due date of any license shall be deemed to be both a criminal and civil violation of this chapter.

Section 15. Violation – Penalty

- A. It shall be a violation of this chapter:
 - 1. For a person required to obtain a business license under this chapter to fail or refuse to secure the business license or to fail to pay the fee imposed;
 - 2. For a person to make any false representation in connection with application for a business license under this chapter;

3. For a person to in any manner hinder or delay the City or any of its officers in carrying out the provisions of this chapter.

B. It shall be unlawful for any person to conduct business within the City limits when not in compliance with this chapter.

C. Violation of any of the provisions of this chapter, upon conviction thereof, shall be punished as a misdemeanor as set forth in Chapter 1.24 AMC.

Section 16. Severability

If any provision or section of this chapter shall be held void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.

Section 17. Effective Date

This ordinance shall take effect and be in force January 1, 2005 after its passage and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Algona, Washington, at a regular meeting thereof this 7th day of December, 2004.

Joe Scholz, Mayor

ATTEST:

Danielle M. Stafford, City Clerk

APPROVED AS TO FORM:

George S. Kelley, Attorney